

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA ECF

January 12, 2010

The Honorable Sue L. Robinson
United States District Court
for the District of Delaware
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TWIN CITIES

WASHINGTON, DC

Re: *Callaway Golf Company v. Acushnet Company*
USDC-D. Del. - C. A. No. 06-91 (SLR)

Dear Judge Robinson:

I write in response to Mr. Moore's letter of January 11, 2010 [D.I. 549], regarding Acushnet's *Daubert* motion to exclude portions of the testimony of Callaway Golf's damages expert, Brian Napper. If the Court entertains the motion, Callaway Golf respectfully directs the Court to the recent Federal Circuit decision in *i4i LP v. Microsoft Corp.*, __ F.3d __, 2009 WL 4911950 (Fed. Cir. Dec. 14, 2009), slip op. available at <http://www.cafc.uscourts.gov/opinions/09-1504.pdf>, where the Federal Circuit rejected an attempt to use a *Daubert* challenge to exclude damages expert testimony. The relevant discussion appears at pages 27-35 of the slip opinion.

Respectfully,

/s/ Thomas L. Halkowski

Thomas L. Halkowski

TLH:jrm

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic filing)